

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-BAY CITY**

**IN THE MATTER OF:**

State Theatre of  
Bay City/Bay County,

Bankruptcy Case No. 24-20261-dob  
Honorable Daniel S. Opperman  
Chapter 7

Debtor.

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**TRUSTEE'S MOTION TO COMPEL TURNOVER PROPERTY  
OF THE ESTATE PURSUANT TO 11 U.S.C. §542**

Randy L. Frank, Chapter 7 Trustee, by and through his attorneys, Beadle Smith, PLC, states for her Motion to Compel Turnover Property of the Estate Pursuant to 11 U.S.C. § 542 ("Motion") as follows:

1. On March 1, 2024 ("Debtor") filed a joint Voluntary Petition under Chapter 7 of the Bankruptcy Reform Act of 1978 as Amended, Title 11 ("Petition Date").
2. Randall L. Frank ("Trustee") is the appointed, duly qualified and acting Trustee in this matter.
3. Prior to the Petition Date, Debtor utilized the services of Andrews Hooper Pavlik PLC ("AHP") as a certified public accountant to perform accounting and tax related services on behalf of the Debtor.
4. During the period of time in which the Debtor had engaged AHP, the Debtor had delivered documents and information regarding the Debtor's financial affairs to AHP. In addition, AHP prepared working documents and tax returns on behalf of the Debtor
5. Pursuant to 11 U.S.C. §542(e), the Trustee is seeking an order directing AHP to identify, and at the request of the Trustee, turnover to the Trustee, recorded information, including books, documents, records and papers, relating to the debtor's property or financial affairs that it has in its possession or control.

**WHEREFORE**, Trustee prays this Honorable Court enter the Order submitted herewith compelling the AHP to identify the documents and electronic data that it has in its possession or control regarding the financial affairs of the Debtor and to turnover such documents and electronic data to the Trustee upon demand.

Respectfully submitted,

BEADLE SMITH, PLC

/S/ Kevin M. Smith  
By: Kevin M. Smith (P48976)  
Attorneys for Trustee  
P.O. Box 70656  
Rochester Hills, MI 48307  
(586) 850-1492  
[Ksmith@bbsplc.com](mailto:Ksmith@bbsplc.com)

Dated: 4/10/24

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**ORDER GRANTING TRUSTEE'S MOTION TO  
COMPEL TURNOVER PURSUANT TO 11 U.S.C. §542**

This matter having come before this Honorable Court based upon the Trustee's Motion to Compel Turnover Property of the Estate Pursuant to 11 U.S.C. §542 ("Motion"); proper service having been made pursuant to F.B.R.P. 2002; no objections having been timely filed; the definitions contained in the Motion having the same meaning in this Order; and the Court being fully advised in the premises;

**IT IS HEREBY ORDERED** that Trustee's Motion is granted in full.

**IT IS FURTHER ORDERED** that Andrews Hooper Pavlik PLC shall identify all documents or recorded information concerning the Debtor's financial affairs ("Financial Documents") that it has in its possession or control within fourteen days of the entry of this Order.

**IT IS FURTHER ORDERED** that within fourteen days upon the request of the Trustee, Andrews Hooper Pavlik PLC shall produce to the Trustee, the Financial Documents requested by the Trustee.

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**NOTICE OF TRUSTEE'S MOTION TO COMPEL TURNOVER PROPERTY OF THE  
ESTATE PURSUANT TO 11 U.S.C. § 542**

Trustee, Randall L. Frank, has filed papers with the Court to compel turnover documents as stated in Trustee's Motion.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer which must comply with F.R.Civ.P. 8(b), (c) and (e) explaining your position pursuant to L.B.R. 9014-1 at:

United States Bankruptcy Court  
226 West Second Street, Flint, Michigan 48502

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Kevin M. Smith, Attorney for Trustee [see address below]

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time, and location of the hearing.

**If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.**

BEADLE SMITH, PLC

/S/ Kevin M. Smith

By: Kevin M. Smith (P48976)

Attorneys for Trustee

P.O. Box 70656

Rochester Hills, MI 48307

(586) 850-1492

[Ksmith@bssplc.com](mailto:Ksmith@bssplc.com)

Date Served: 4/10/24

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**BRIEF IN SUPPORT**

The Trustee relies on the law set forth in Trustee's Motion to Compel Turnover of Property of the Estate Pursuant to 11 U.S.C. §542.

Respectfully submitted,

BEADLE SMITH, PLC

/S/ Kevin M. Smith

By: Kevin M. Smith (P48976)

Attorneys for Trustee

P.O. Box 70656

Rochester Hills, MI 48307

(586) 850-1492

[Ksmith@bbssplc.com](mailto:Ksmith@bbssplc.com)

Date Served: 4/10/24

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2024, I served the following Papers:

Trustee's Motion to Compel Turnover of Property of the Estate Pursuant to 11 U.S.C. §542, proposed Order, Notice of Requirement of Written Response, Brief in Support, this Certificate of Service, Affidavits and Exhibit List by ECF on:

Randall L. Frank, Trustee

Rozanne Giunta  
Attorney for Debtor

all ECF participants

and on the following parties at these addresses:

State Theatre-Bay City/Bay County  
913 Washington Avenue  
Bay City, MI 48708

Traci L Moon  
Resident Agent  
Andrews Hooper & Pavlik, P.L.C.  
5300 Gratiot  
Saginaw, MI 48638

Jeffrey S. Hengeveld  
Plunkett Cooney  
38505 Woodward Ave., Suite 100  
Bloomfield Hills, MI 48304

by the following means:

United States first-class mail.

BEADLE SMITH, PLC

/s/ Kevin M. Smith  
By: Kevin M. Smith (P48976)  
Attorneys for Trustee  
P.O. Box 70656  
Rochester Hills, MI 48307  
(586) 850-1492  
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**AFFIDAVITS**

None.

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**EXHIBIT LIST**

<u>Exhibit</u>	<u>Description</u>
None	